

## **REMARKS**

In response to the Office Action mailed on June 5, 2006, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-3, 5, 8, 16 and 22 have been amended and Claim 10 has been canceled without prejudice or disclaimer, leaving Claims 1-9 and 11-22 for consideration upon entry of the present amendment. No new matter has been added by the amendments.

### **Support for Claim Amendments**

The amendments to Claims 1-3, 5, 8, 16 and 22 are fully supported in Applicant's specification. See, for example, paragraph 26 in the specification, original Claim 10 and FIG. 6 and the accompanying description.

### **Defective Oath or Declaration**

The Examiner has stated that a new oath or declaration in compliance with 37 CFR 1.67 (a) identifying this application by application number and filing date is required. The Examiner has stated that the oath or declaration is defective because it does not identify the city and either the state or foreign residence of each inventor, and because it does not identify the citizenship of each inventor. In response to this requirement, Applicant has enclosed herein a copy of the original Declaration/Power of Attorney as filed with the patent application and signed by Applicant on November 20, 2003. The original Declaration/Power of Attorney as enclosed herein includes the city (Alpharetta) and state (GA or Georgia) and the citizenship (United States of America) directly following Applicant's signature on the second page. Applicant respectfully submits that the original Declaration/Power of Attorney enclosed herein is not defective at least because it identifies the city, state and citizenship of each inventor.

### **Claim Rejections Under 35 U.S.C. § 112**

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant

regards as the invention. Because Claim 10 has been canceled without prejudice or disclaimer, the rejection of Claim 10 is now moot. With regard to Claims 1-9 and 11-16, Applicant respectfully requests the Examiner to withdraw this rejection in light of the amendments to Claim 1 and 16.

As recited in amended Claim 1, each folder includes one or more file path identifiers each specifying a server machine and a directory. Further Claim 1 recites that, for each of the file path identifiers, a query requesting current directory data corresponding to the specified directory is transmitted to the specified server machine. The “current directory data” includes “a file name, a created date, a modified data and a file size for each file included in said specified directory.” Thus, for each of the files in the directory specified by the file path identifier a file name, a created data, a modified data and a file size (referred to collectively as current directory data) are received from the specified server machine in response to a query for current directory data.

Applicant respectfully submits, that in view of the amendment to Claim 1, this rejection should be withdrawn and that Claim 1 is allowable. Further, because it includes similar elements, Applicant submits that Claim 16 is also allowable at least for the same reasons that Claim 1 is allowable. In addition, Applicant submits that Claims 1-9 and 11-15 are allowable at least due to their dependency on Claim 1.

#### Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 5-9, 11-16, 18, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,212,512, to Barney et al. (hereinafter “Barney”). Applicant respectfully traverses the rejection because all of the elements in Claims 1-3, 5-9, 11-16, 18, 21 and 22 are not found, either expressly or inherently described, in Barney.

Claim 1, as amended, includes the elements “comparing said current directory data to a previous version of said directory data; transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data.” These elements are similar to the elements in original Claim 10, which has been canceled without prejudice or disclaimer. With respect to Claim 10, the Examiner has

stated that Barney does not disclose “comparing said current directory data to a previous version of said directory data; and transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data.” Therefore, Claim 1 is not anticipated by Barney for at least the reason that Barney fails to disclose, either expressly, or inherently all of the elements of Claim 1.

Claim 1 as amended includes the elements “comparing said current directory data to a previous version of said directory data; transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data” which were included in original Claim 10 which as been canceled without prejudice or disclaimer. In the Office Action, Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Barney in view of U.S. Patent Application Pub. No. 2003/0055844 issued to Rudd et al. (hereinafter “Rudd”). As noted above, the Office Action states that Barney does not disclose “comparing said current directory data to a previous version of said directory data; and transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data.” The Examiner looks to paragraph 43, Figures 5 and 6 of Rudd to allegedly cure the deficiencies of Barney. The Examiner has stated that it would have been obvious to modify Barney to include the comparing and transmitting as taught by Rudd for the purpose of adjusting the size of the file as taught in paragraph 43 of Rudd.

Applicant does not find the recitation of “comparing said current directory data to a previous version of said directory data; transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data” in the sections of Rudd specified by the Examiner.

In contrast, paragraph 43 and Figures 5 and 6 of Rudd describes determining if a media file is “too large” and alerting the user when the media file is “too large.” The size of the media file is then reduced automatically or reduced in response to user instructions. Rudd does not teach or suggest comparing the media file to a previous version of the media file nor does Rudd teach or suggest generating an alert when the media file is larger than a previous version of the media file. Thus, Rudd does not teach “comparing said current directory data to a previous version of said directory data; transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current

directory data” as recited in Claim 1. Therefore, Rudd does not cure the deficiencies of Barney with respect to Claim 1. Accordingly, neither Barney nor Rudd, alone or in combination, teach or suggest all of the elements of Claim 1. For at least this reason Claim 1 is patentable over Barney in view of Rudd.

Since they contain similar features, Claims 16 and 22 are patentable over Barney and the combination of Barney and Rudd for at least the reasons given above for Claim 1. Claims 2-3, 5-9, and 11-15 depend from Claim 1, and thus are believed to be allowable at least due to their dependency on Claim 1. Claims 18 and 21 depend from Claim 16, and thus are believed to be allowable at least due to their dependency on Claim 16.

#### Claim Rejections Under 35 U.S.C. § 103(a)

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barney in view of U.S. Patent Application Pub. No. 2002/0194358 to D’Aviera (hereinafter “D’Aviera”). Applicant respectfully traverses the rejection because Barney in view of D’Aviera fails to teach or suggest all of the elements in Claim 4.

As stated above, Barney fails to disclose all of the elements of Claim 1, from which Claim 4 depends. In addition, D’Aviera fails to teach or suggest at least the elements “comparing said current directory data to a previous version of said directory data; transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data”, as recited in Claim 1. Therefore, D’Aviera does not cure the deficiencies of Barney with respect to Claim 1. Accordingly, neither Barney nor D’Aviera, alone or in combination, teach or suggest all of the elements of Claim 1. Applicant submits that Claim 4 is allowable at least due to its dependency on Claim 1.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barney in view of Rudd. The rejection to Claim 10 is moot because Claim 10 has been canceled without prejudice or disclaimer.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Barney in view of U.S. Patent Application Pub. No. 2002/0194358 to Oparaji (hereinafter “Oparaji”).

Applicant respectfully traverses the rejection because Barney in view of Oparaji fails to teach or suggest all of the elements in Claim 17.

As stated above, Barney fails to disclose all of the elements of Claim 16, from which Claim 17 depends. In addition, Oparaji fails to teach or suggest at least the elements “comparing said current directory data to a previous version of said directory data; transmitting an alert message if a previous file size in said previous version of said directory data is larger than a corresponding said file size in said current directory data”, as recited in Claim 16. Therefore, Oparaji does not cure the deficiencies of Barney with respect to Claim 16. Accordingly, neither Barney nor Oparaji, alone or in combination, teach or suggest all of the elements of Claim 16. Applicant submits that Claim 17 is allowable at least due to its dependency on Claim 16.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barney. Applicant respectfully traverses the rejection because Barney fails to teach or suggest all of the elements in Claims 19 and 20.

As stated above, Barney fails to teach or suggest all of the elements of Claim 16, from which Claims 19 and 20 depend. Applicant submits that Claim 19 and 20 are allowable at least due to their dependency on Claim 16.

### Conclusion

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If any issues remain, the Examiner is invited to contact the undersigned at the telephone number below.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant’s attorneys.

Respectfully submitted,

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